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Assistant Attorney General

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CONCORD, N.H.

Eni George Moses
Operations Officer
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State House

With reference to your inquiry of today as to whether under H.B. 142 (now Laws of 1953, chapter 68) ground observer corps personnel are covered. I confirm herewith my telephone opinion to you as follows. The statute, Laws of 1953, chapter 68, provides that the governor and council may award compensation to employees of the State receiving certain personal injuries under certain circumstances. Regularly enrolled members of the civil defense organization of the state or any of its political sub-divisions are included under certain prescribed circumstances and at certain prescribed times. The New Hampshire Civil Defense Plan sets up the ground observer corps as a unit of civil defense, trained by and under the operational control of the Eastern Air Defense Force in the performance of their mission.

The Federal Civil Defense Act, Title 50, USCA Par. 2251 declares it to be the policy and intent of Congress that responsibility for Civil Defense shall be vested primarily in the several states and their political sub-divisions and that the Federal Government shall provide necessary coordination and guidance and assistance.

Regularly enrolled members of the ground observer corps are covered under chapter 68, Laws of 1953 while undergoing authorized Civil Defense training or participating in duly authorized Civil Defense drills, or actually engaged in Civil Defense work in an emergency. The interpretation in the last sentence of section 1 of the act, that Civil Defense work shall be interpreted to include travel from home or place of occupation to scene of work and return thereto, is limited by the words, in an emergency. Injuries sustained by such personnel while actually undergoing authorized training and actually participating in duly authorized drills are within the contemplation of the act. This recognizes simulated emergency conditions which expose the employee to unusual hazards. Injuries sustained while engaged in travel to or from observer posts and while at the post unless under conditions of emergency proclaimed by the Governor either under the present Civil Defense Act or under S.B. 70 (which has passed both Houses of the Legislature and appears likely to become the governing law) are not compensable.

GFN/T